

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI  
UNDER SECTION 18 (1) R.W. SECTIONS 14 AND 15 OF THE NATIONAL  
GREEN TRIBUNAL ACT, 2010**

**APPLICATION No. 240 OF 2017**

Between

S.P.Muthuramaran,  
S/o. Ponnusamy,  
No. 204, Railway Feeder Road,  
Sankar Nagar Post - 627 357  
Thirunelveli District

...Applicant

And

1. The Secretary,  
Environment and Forest Department,  
Government of Tamil Nadu,  
Fort St. George, Chennai  
Email: [forsec@tn.gov.in](mailto:forsec@tn.gov.in)  
Phone: 044-25665566 600 009

2. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No. 76, Anna Salai, Guindy,  
Chennai 600 032  
Email: [mpcb-chn@gov.in](mailto:mpcb-chn@gov.in)  
Phone: 044-22353134

3. The Joint Chief Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
NO. 30/2, SIDCO Industrial Estate,  
Pettai, Tirunelveli - 627 010  
Email: [jceetnv@gmail.com](mailto:jceetnv@gmail.com)  
Phone: 0462-2342931

4. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
C7 & C9, SIPCOT Campus,  
Melavittam, Tuticorin - 628 008  
Email: [deetnpcbtt@gmail.com](mailto:deetnpcbtt@gmail.com)  
Phone: 0461-2341298

5. M/s. Tuticorin Alkali Chemicals  
and Fertilizers Limited,  
S.F. No. 435/2, Mullakadu Part I Village,  
Tuticorin Taluk, Tuticorin District 628 005  
Email: [info@tacfert.com](mailto:info@tacfert.com)  
Phone: 044-22352513

...Respondents

**WRITTEN SUBMISSIONS FILED ON BEHALF OF THE 5TH RESPONDENT**

1. It is respectfully submitted that the 5th Respondent Company was started in the year 1981 and is a company engaged in the business of manufacturing of all grades of Soda Ash and the related co-products such as Ammonium Chloride. The said company is functioning at S.F. No. 435/2, SPIC Nagar, Mullakadu Village, Tuticorin which is situated adjacent to the SPIC Fertilizer Plant.
2. So far as the suggestions in the Joint Committee Report to levy penalty against the 5th Respondent it is respectfully submitted that no case is made out for imposing any penalty.
3. It is respectfully submitted that as per the consent renewal the Tamil Nadu Pollution Control Board granted time till 30.09.2016 to install the online monitors for the boilers for SPM and Ammonium Chloride drier stack for SPM and Ammonia and the 5th Respondent installed the same on 29.06.2016 and informed the same to the 2nd Respondent vide communications dated 01.07.2016 and 03.08.2016.
4. From the date installation i.e. 29.06.2016 till the date of submission of the report by the Joint Committee constituted by the order of NGT, the 2nd Respondent have not raised any objection with regard to any delay on the installation. Further, the 2nd Respondent so far have not asked any explanation or issued any show cause notice in this regard. Even while renewing the consent vide order dated 10.07.2018 under Air (Prevention and Control of Pollution) Act, 1981 and vide order dated 08.07.2019 under Water (Prevention and Control of Pollution) Act, 1974 the 2nd Respondent not raised any objection or imposed any condition alleging there was a delay in the installation.
5. It is respectfully submitted that the 5th Respondent has complied with all the conditions imposed by the 2nd Respondent by installing and commissioning the online analyser to measure the Ammonia level in ambient and treated effluents and has also been communicating the test results continuously to the control room in Chennai. It is respectfully submitted that the 5th Respondent is a law abiding company having its own corporate social responsibilities and has not violated any conditions or law as on date much less as alleged by the Applicant herein.

6. It is respectfully submitted that there was no delay on the part of 5th Respondent in installing online monitors for the boilers for SPM and Ammonium Chloride drier for SPM and Ammonia as directed by the 2nd Respondent.
7. It is respectfully submitted that the calculation towards environmental compensation is without any basis and is without taking note of the fact that the 5th Respondent has got permission and installed the monitoring system after obtaining extension of time from the 2nd Respondent. Hence the report with regard to imposing penalty is totally without any basis.
8. It is respectfully submitted that installation of CO<sub>2</sub> recovery plant is substituting the CO<sub>2</sub> source from SPIC to the own recovery and is only aiding the environment by reducing the pollutant load of CO<sub>2</sub> / NOX / SOX into the atmosphere and it will not increase pollution load into the atmosphere. It is respectfully submitted that the 5th Respondent is the first in the world to attempt such an innovative approach to recover the CO<sub>2</sub> and permanently fix it as Soda Ash, to save the environment.
9. It is respectfully submitted that no adverse impact has been caused to the environment by the activities of this Respondent. There is no adverse finding in this regard as against this Respondent by the Joint Committee or any other authority. It is respectfully submitted that there is no prayer for imposing any penalty or damages as against this Respondent in the above application.
10. It is respectfully submitted that it has duly installed a monitoring meters / equipments within the time granted by the Pollution Control Board and the same has also been duly noted by the Joint Committee. Under such circumstances, since the compliance have been made within the time granted, no case is made out for imposing any penalty on this Respondent.
11. Further, it is respectfully submitted that it is an old industry which has been in existence of nearly 5 decades. For the past few years, this Respondent has sustained financial crunch due to accumulated losses and erosion of reserves. The net worth of the 5<sup>th</sup> Respondent company is negative and due to the financial difficulties as placed before this Hon'ble Tribunal through Memo dated 23.09.2021, it is apparent that it will be impossible for this Respondent to bear any penalty that may be imposed.

12. Apart from the fact that no case is made out for imposing any penalty, the Hon'ble Tribunal may also take into consideration that imposing penalty on the 5<sup>th</sup> Respondent which is facing such grave financial constraints, would cause further grave hardship to this Respondent. More so, there is no occasion or justification in the plea of the applicant for imposing any penalty since it is not the case of the applicant that any damage has been caused to the environment due to the activities of this Respondent muchless made out.

For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to reject the plea for imposing any damages/default against this Respondent and thus render justice.

Dated at Chennai on this the 30th day of September, 2021



Counsel for 5th Respondent

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& 4 others

... Respondents.

**WRITTEN SUBMISSIONS FILED ON BEHALF**

**OF THE 5TH RESPONDENT**

**M/s. AL. GANTHIMATHI E. No. 676/89**

**&**

**AR. KARTHIK LAKSHMANAN E. No.**

**3638/16**

**Counsels for 5th Respondent**

**Address for service:**

**247, Additional Law Chambers,  
High Court Buildings, Chennai - 104**

**Contact:**

**9841277216**

**9566008824**